

OCT 17 2019

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

LARRY LEVI BENNETT,) CASE NO. 7:19CV00476
)
 Plaintiff,)
 v.) MEMORANDUM OPINION
)
 DAN SCOTT, ET AL.,)
 Defendants.) By: Glen E. Conrad
) Senior United States District Judge
)

Plaintiff Larry Levi Bennett, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, alleging that he had been refused a religious diet at the Southwest Virginia Regional Jail, where he was then confined. Bennett has not provided the court with his current address, however. By its Order entered July 2, 2019, the court advised Bennett that a failure to update his mailing address promptly would result in dismissal of this action. The court's order, entered October 7, 2019, and mailed to Bennett on that date at the address he provided with his complaint, has been returned as undeliverable. Accordingly, the court finds that, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, Bennett has failed to prosecute this action. See Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal without prejudice is an appropriate sanction for non-compliance); Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)). An appropriate order will enter this day.

Bennett is advised that if he intends to proceed with this action, he must petition the court within 30 of the entry of this order for a reinstatement of this action. Any motion for

reinstatement must provide specific explanation for his failure to provide the court with an updated address.

The Clerk is directed to send a copy of this order to the plaintiff.

ENTER: This 17th day of October, 2019.



Senior United States District Judge